	Application No.	Applicant(s)
	10/060,159	LERNER, A. MARTIN
Notice of Allowability	Examiner	Art Unit
	Russell Travers, J.D.,Ph.D	1617
The MAILING DATE of this communication appear All claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT Record the Office or upon petition by the applicant. See 37 CFR 1.313	OR REMAINS) CLOSED in this ap or other appropriate communication GHTS. This application is subject to	plication. If not included will be mailed in due course. THIS
1. This communication is responsive to 11/22/03.		•
2. The allowed claim(s) is/are <u>1-10</u> .		
3. The drawings filed on are accepted by the Examiner		
 4. ☐ Acknowledgment is made of a claim for foreign priority undan a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 2. ☐ Certified copies of the priority documents have 3. ☐ Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	been received. been received in Application No uments have been received in this	national stage application from the
Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONMITHIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file a reply ENT of this application.	complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give:	tted. Note the attached EXAMINER s reason(s) why the oath or declara	'S AMENDMENT or NOTICE OF tion is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must	be submitted.	÷
(a) including changes required by the Notice of Draftsperso		948) attached
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date		
(b) including changes required by the attached Examiner's Paper No./Mail Date	Amendment / Comment or in the C	Office action of
Identifying indicia such as the application number (see 37 CFR 1.8 each sheet. Replacement sheet(s) should be labeled as such in th	34(c)) should be written on the drawir e header according to 37 CFR 1.121(c	ngs in the front (not the back) of d).
 DEPOSIT OF and/or INFORMATION about the depos attached Examiner's comment regarding REQUIREMENT F 	it of BIOLOGICAL MATERIAL r OR THE DEPOSIT OF BIOLOGIC	nust be submitted. Note the AL MATERIAL.
		•
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5. ☐ Notice of Informal P	atent Application (PTO-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary	` ` ` ` ` ` ` '
Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date	Paper No /Mail Dat	e
4. ☐ Examiner's Comment Regarding Requirement for Deposit	8. X Examiner's Stateme	ent of Reasons for Allowance
of Biological Material	9.	Russell Travers, J.D.,Ph.D Primary Examiner Art Unit: 1617

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Claims 1-10 are presented for examination

The amendment filed November 22, 2003 cancelled claims 11-23, rendering the rejection of such claims moot.

Examiner finds the argument with regard to claiming of measurement of HCMV gamma M and gamma G levels by measuring nonstructural epitopes convincing. This limitation is not presented in the invention claimed in the parent applications. The instant claimed invention fails to dominate the parent invention and, thus, would not be subject to an obviousness double patenting rejection. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Travers, J.D.,Ph.D whose telephone number is 703-308-4603. The examiner can normally be reached on Monday through Thursday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Russell Travers, J.D., Ph.D

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Primary Examiner

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